



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

11 CRIMINAL WRIT PETITION NO. 868 OF 2025

Satish s/o Baburao Malkar,
Age:-32 years, Occ. Agri.,
R/o Tadpimpalgaon, Tq. Kannad,
Dist. Aurangabad.

... Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The Inspector General of Police,
Maharashtra State, Mumbai.
3. The Superintendent of Police,
Aurangabad
4. The Investigation Officer,
Devgaon Rangari Police Station,
Tq. Kannad, Dist. Aurangabad

... Respondents

...
Mr. P. P. More, h/f Mr. Kishor Govrdhan Gaikwad, Advocate for the Petitioner.
Mr. A. D. Wange, APP for Respondents.
...

CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 11th July, 2025.

P.C.:

. Heard the learned counsel for the petitioner and the
learned APP for the respondents.

2 The learned counsel for the petitioner vehemently submits that though the FIR is specific, yet the offence that has been registered is under Sections 118(1), 115(2), 352, 351(2) and 3(5) of BNS, and out of that, it appears that only the offence punishable under Section 118(1) of BNS appears to be a cognizable offence. The accused persons have not been arrested and intentionally the offence is registered for the bailable offences. It shows, *prima-facie*, that the police are intentionally / in order to protect the culprits, is taking lenient view and therefore, there will not be a fair investigation. The petitioner, therefore, prays for appointment of an independent investigating officer to investigate his FIR.

3 At the outset, it is to be noted that the police have recorded the cognizable offence and therefore, the FIR as contemplated under Section 173 of BNSS has been recorded. If a serious offence is found out, then certainly the investigating officer can add the section. From the medical documents, which have been produced right now, we are unable to get that the medical officer has come to a conclusion that there was grievous injury to anybody. The photographs those have been filed, will not make it grievous offence unless it is certified by the expert. The investigating officer would certainly take the proper certificate. The aim of the informant cannot

be only to see that the accused persons are arrested. Though he may have that desire, yet we will have to proceed with the law.

4 If the petitioner is of the opinion that any serious offence has been made out yet the FIR has not been properly taken, then he is at liberty to approach the learned Magistrate.

5 Now, the learned counsel for the petitioner seeks withdrawal of the writ petition with liberty to take appropriate step.

6 Taking into consideration the above remarks, the writ petition stands dismissed as withdrawn with liberty as prayed.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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